

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

STATESVILLE DIVISION
Case No.: 5:07-cv-00018-RLV-CH

SONY BMG MUSIC ENTERTAINMENT, a)
Delaware general partnership; BMG MUSIC, a)
New York general partnership; ARISTA)
RECORDS LLC, a Delaware limited liability)
company; MAVERICK RECORDING)
COMPANY, a California joint venture; and UMG)
RECORDINGS, INC., a Delaware corporation,)
)
Plaintiffs,)
)
v.)
)
GINA STURGILL (AKA GINA CALDWELL)
STURGILL),)
)
Defendant.)

ORDER

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Motion For Default Judgment, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

.Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the eight sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Hundred Dollars (\$6,000.00).

1. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred Eighty Dollars (\$480.00).

2. Defendant further shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Open Arms," on album "Escape," by artist "Journey" (SR# 30-088);
- "Here's To The Night," on album "Horrorscope," by artist "Eve 6" (SR# 285-024);
- "Dixieland Delight," on album "Closer You Get," by artist "Alabama" (SR# 49-145);
- "I'm Gonna Miss Her," on album "Part II," by artist "Brad Paisley" (SR# 298-930);
- "Can We," on album "Release Some Tension," by artist "SWV" (SR# 249-300);
- "Far Behind," on album "Candlebox," by artist "Candlebox" (SR# 171-393);
- "Love Hurts," on album "Hair of the Dog," by artist "Nazareth" (SR# N23222);
- "Dancin' Shaggin' on the Boulevard," on album "Dancin' on the Boulevard," by artist "Alabama" (SR# 233-935);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

Signed: August 29, 2007



Richard L. Voorhees
United States District Judge

